

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DANNY RAY BANKS a/k/a)	
DANNY R. DAVIS,)	
)	
Plaintiff,)	
)	
VS.)	No. 15-2687-JDT-cgc
)	
DERRICK D. SCHOFIELD, ET AL.,)	
)	
Defendants.)	

ORDER DISMISSING CASE WITHOUT PREJUDICE

On October 15, 2015, the *pro se* prisoner Plaintiff, Danny Ray Banks a/k/a Danny R. Davis, filed a civil complaint pursuant to 42 U.S.C. § 1983 and a motion to proceed *in forma pauperis*. (ECF Nos. 1, 2 & 3.) At the time, Plaintiff was incarcerated at the West Tennessee Detention Facility (“WTDF”) in Mason, Tennessee. The Court issued an order on October 16, 2015, granting leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to 28 U.S.C. §§ 1915(a)-(b). (ECF No. 6.) That order also directed Plaintiff to immediately notify the Court of any changes of address and warned that failure to do so could result in dismissal of this action without further notice. (*Id.* at 3.)

On November 23, 2015 and on December 7, 2015, Plaintiff notified the Court of address changes. (ECF Nos. 13 & 14.) Subsequently, on September 26, 2016, the Court issued an order denying Plaintiff’s motion for appointment of counsel and his motion for an

extension of time to submit summonses. (ECF No. 19.) That order, mailed to Plaintiff's latest address of record, was returned undeliverable on October 5, 2016. (ECF No. 20.) However, Plaintiff has submitted no further change of address.

The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Plaintiff was directed to do so in the October 16, 2015, order but has failed to notify the Court of his current location. Therefore, it appears Plaintiff has abandoned this action. Accordingly, this case is hereby DISMISSED without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to comply with the Court's order.

It is also CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Plaintiff would not be taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE